



**US Army Corps  
of Engineers®**

Nashville District

# Public Notice

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Public Notice No. **07-61**

Date: July 2, 2007

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Application No. **200400747**

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Please address all comments to:  
Nashville District Corps of Engineers, Regulatory Branch  
3701 Bell Road, Nashville, TN 37214

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**SUBJECT:** Proposed Wetland Fill for SR-99 Improvements in Rutherford County, Tennessee

**TO ALL CONCERNED:** The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act (CWA)** for the discharge of fill material into waters of the United States. Before a permit can be issued, certification must be provided by the state of Tennessee, Department of Environment and Conservation (TDEC), pursuant to **Section 401(1)(1) of the CWA**, that applicable water quality standards will not be violated. The applicant has applied for the required water quality certification by separate application.

**APPLICANT:** Tennessee Department of Transportation  
Environmental Division  
Suite 900, J.K. Polk Building  
505 Deaderick Street  
Nashville, Tennessee 37243

**LOCATION:** Wetlands adjacent to Unnamed Tributaries, to Harpeth River, along SR-99, in Rutherford County, Tennessee (Rover Quad; lat 35.7332, lon 86.5902)

**DESCRIPTION:** The proposed work consists of the permanent placement of fill material into approximately 4.23 acres of wetlands for the proposed 4.6 miles of SR-99 improvement. This total fill would be placed within six separate wetland areas along the roadway alignment. Temporary impacts (1.64 acres) would be involved with each site for construction activities and access. The first site would involve permanent fill of 0.47 acres and temporary impacts of 0.32 acres (WTL-1 on the attached plans). The second site (WTL-2) would involve permanent fill of 0.15 acres and temporary impacts of 0.15 acres. The third site (WTL-3) would involve 0.29 acres of wetland fill and temporary impacts of 0.18 acres. This site is located adjacent to the Harpeth Wetland Mitigation Bank (HWMB). However, there would not be any fill activities and/or no impacts to the HWMB. The fourth wetland site (WTL-4) would involve 0.72 acres of permanent fill and 0.21 acres of temporary impacts. This site is also adjacent to the HWMB, but no fill and/or impacts would occur to the wetland bank. The fifth wetland site (WTL-5) would involve 2.23 acres of permanent wetland fill and 0.45 acres of temporary impacts. This site is also adjacent to the HWMB, but no fill and/or impacts would occur to the wetland

bank. The sixth wetland site (WTL-6) would involve 0.37 acres of permanent wetland fill and 0.33 acres of temporary impact.

The applicant proposes mitigation for the permanent wetland impacts by debiting, at a 2:1 ratio, 8.46 acres from available wetland credits at the HWMB. The applicant agrees to restore the temporary wetland impact areas by removing the topsoil (6-12 inches) and stockpile it prior to construction. Upon completion of construction activities, the stockpiled wetland topsoil would be spread over the wetland areas to restore the temporary impact areas back to pre-construction elevations.

A stream relocation of 55' would be performed on an unnamed tributary to the Harpeth River. The relocation would be associated with transition of the channel at the outlet of an existing pipe culvert (that will remain in place). This is labeled Stream 5 on the attached plans. Several other pipe culverts and extension are proposed with the road improvement project, but have previously been approved by Nationwide authorization.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

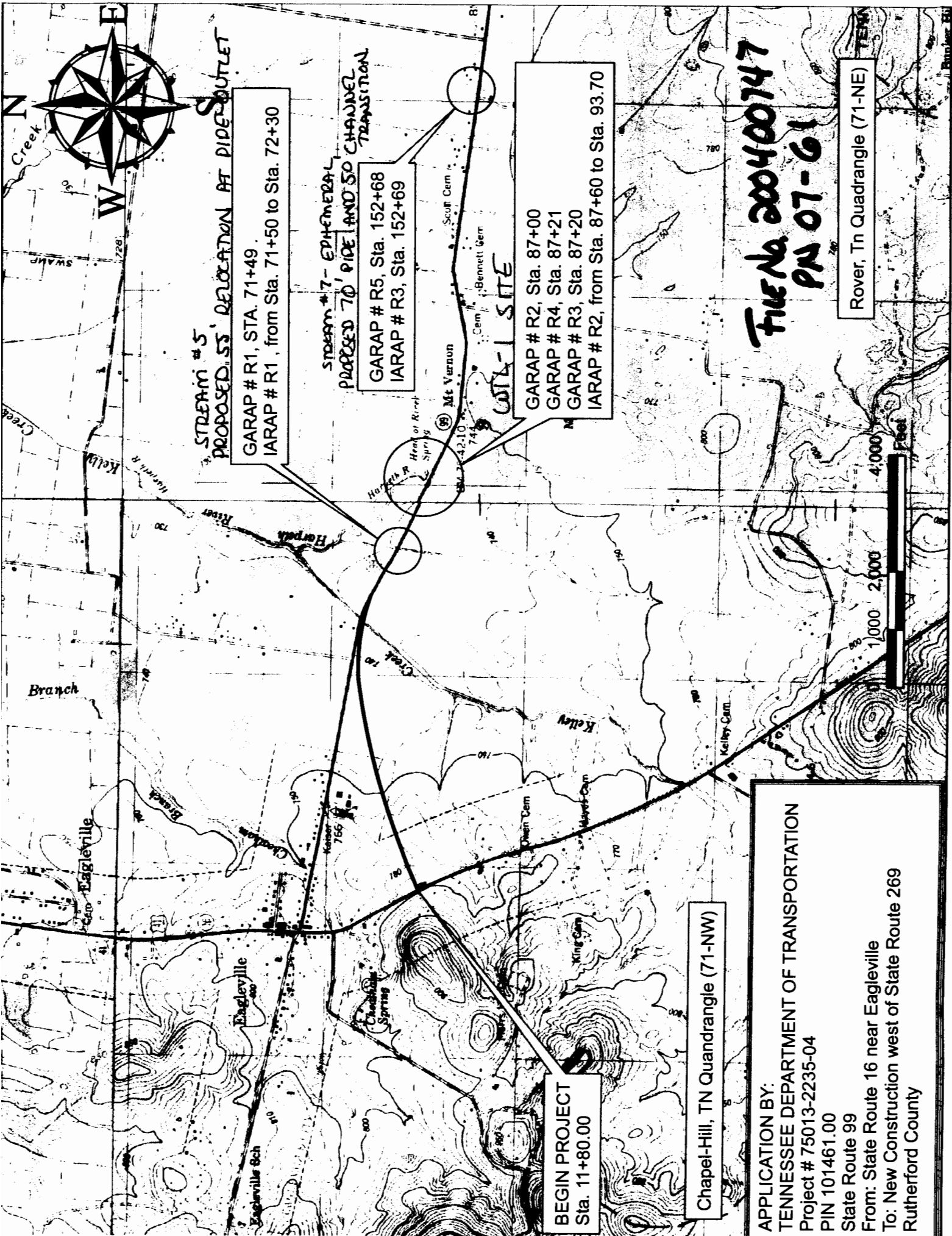
A file search of the project area was conducted by the Regulatory Archaeologist at the Tennessee Division of Archaeology on 20 June 2007. No historic properties were recorded within the project area. In 2000 the Tennessee Historical Commission (THC) responded to an archaeological survey report submitted by the DA permit applicant. Based on the survey results, the THC found the project area contains no archaeological resources eligible for listing in the National Register of Historic Places and had no objection to the implementation of the project. Based on this and the results of the file search the Corps has determined that this project has no potential to affect cultural resources or properties listed on or eligible for listing on the National Register of Historic Places. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

The U.S. Fish and Wildlife Service (USFWS) responded to the proposed work in December 2004, stating that endangered species collection records available to the Service do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the USFWS is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work is Water Quality Certification from TDEC for the proposed work in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before August 1, 2007, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Amy Robinson, at the above address, telephone (615) 369-7509. If you received this notice by mail and wish to view all of the diagrams, visit our web site at: <http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Amy Robinson at the above address or phone number.



STREAM #5  
PROPOSED 55' RELOCATION AT PIPE OUTLET

GARAP # R1, STA. 71+49  
IARAP # R1, from Sta. 71+50 to Sta. 72+30

STREAM #7 - EPHEMERAL  
PROPOSED 70' PIPE AND 50 CHANNEL  
TRANSITION

GARAP # R5, Sta. 152+68  
IARAP # R3, Sta. 152+69

GARAP # R2, Sta. 87+00  
GARAP # R4, Sta. 87+21  
GARAP # R3, Sta. 87+20  
IARAP # R2, from Sta. 87+60 to Sta. 93.70

BEGIN PROJECT  
Sta. 11+80.00

Chapel-Hill, TN Quadrangle (71-NW)

APPLICATION BY:  
TENNESSEE DEPARTMENT OF TRANSPORTATION  
Project # 75013-2235-04  
PIN 101461.00  
State Route 99  
From: State Route 16 near Eagleville  
To: New Construction west of State Route 269  
Rutherford County

FILE NO. 200400747  
PM 07-61

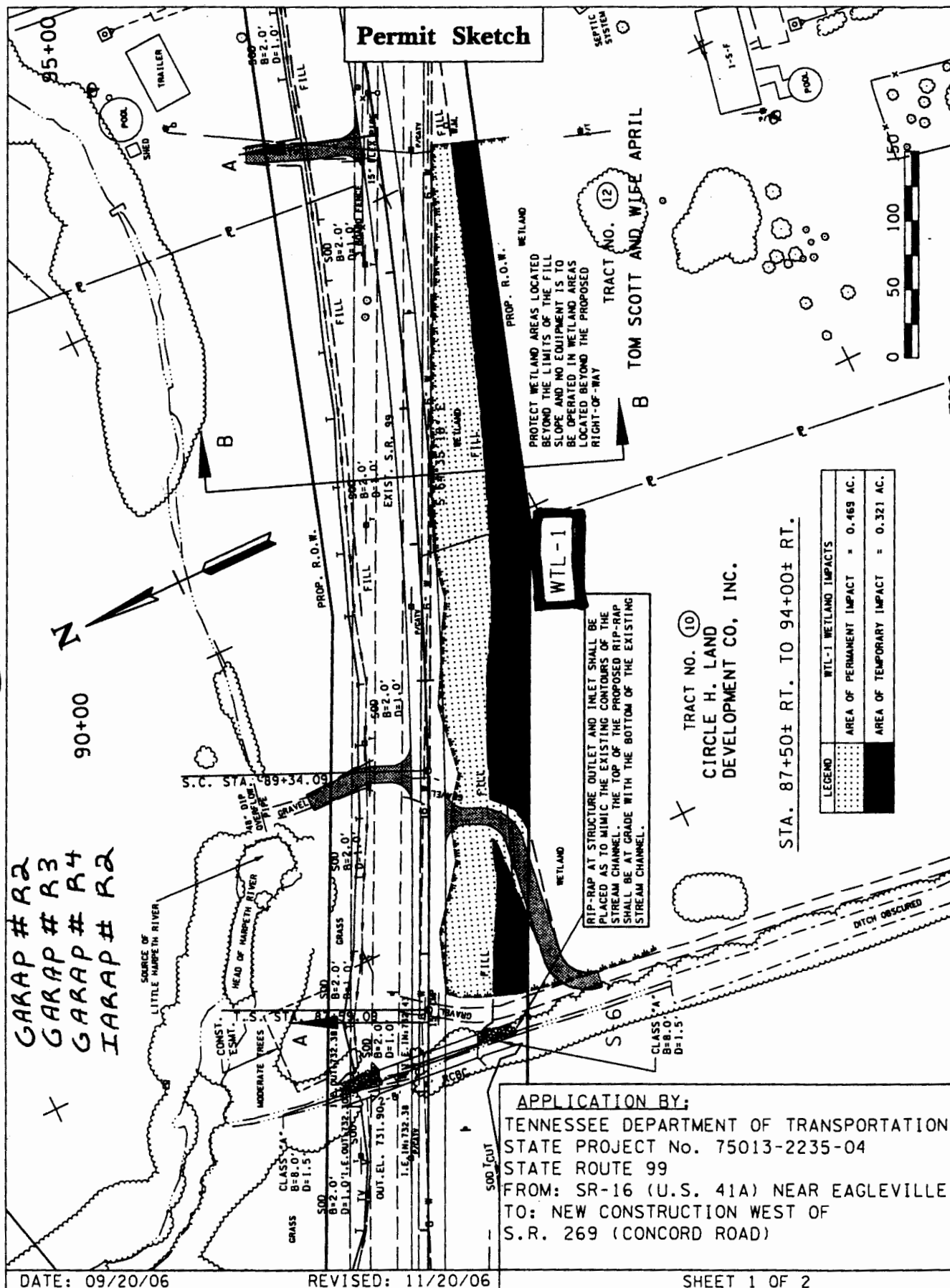
Rover, Tn Quadrangle (71-NE)



FILE NO. 200400141  
PN 07-61

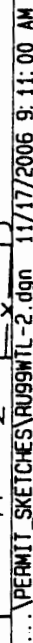
SITE WTL-1

GARAP # R2  
GARAP # R3  
GARAP # R4  
IARAP # R2





SITE WTL-2

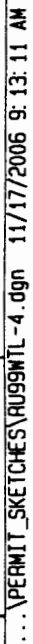


PN 07-61

SITE WTL-3

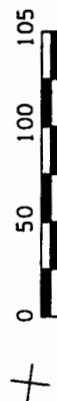






PN 07-61

MATCH LINE 189+00.00 SEE SHEET NO. 3



STA. 184+80± LT. TO 193+90± LT.

LEGEND	WTL-5 WETLAND IMPACTS
	AREA OF PERMANENT IMPACT = 2.227 AC.
	AREA OF TEMPORARY IMPACT = 0.447 AC.

TENNESSEE DEPARTMENT OF TRANSPORTATION  
STATE PROJECT No. 75013-2235-04  
STATE ROUTE 99  
FROM: SR-16 (U.S. 41A) NEAR EAGLEVILLE  
TO: NEW CONSTRUCTION WEST OF  
S.R. 269 (CONCORD ROAD)

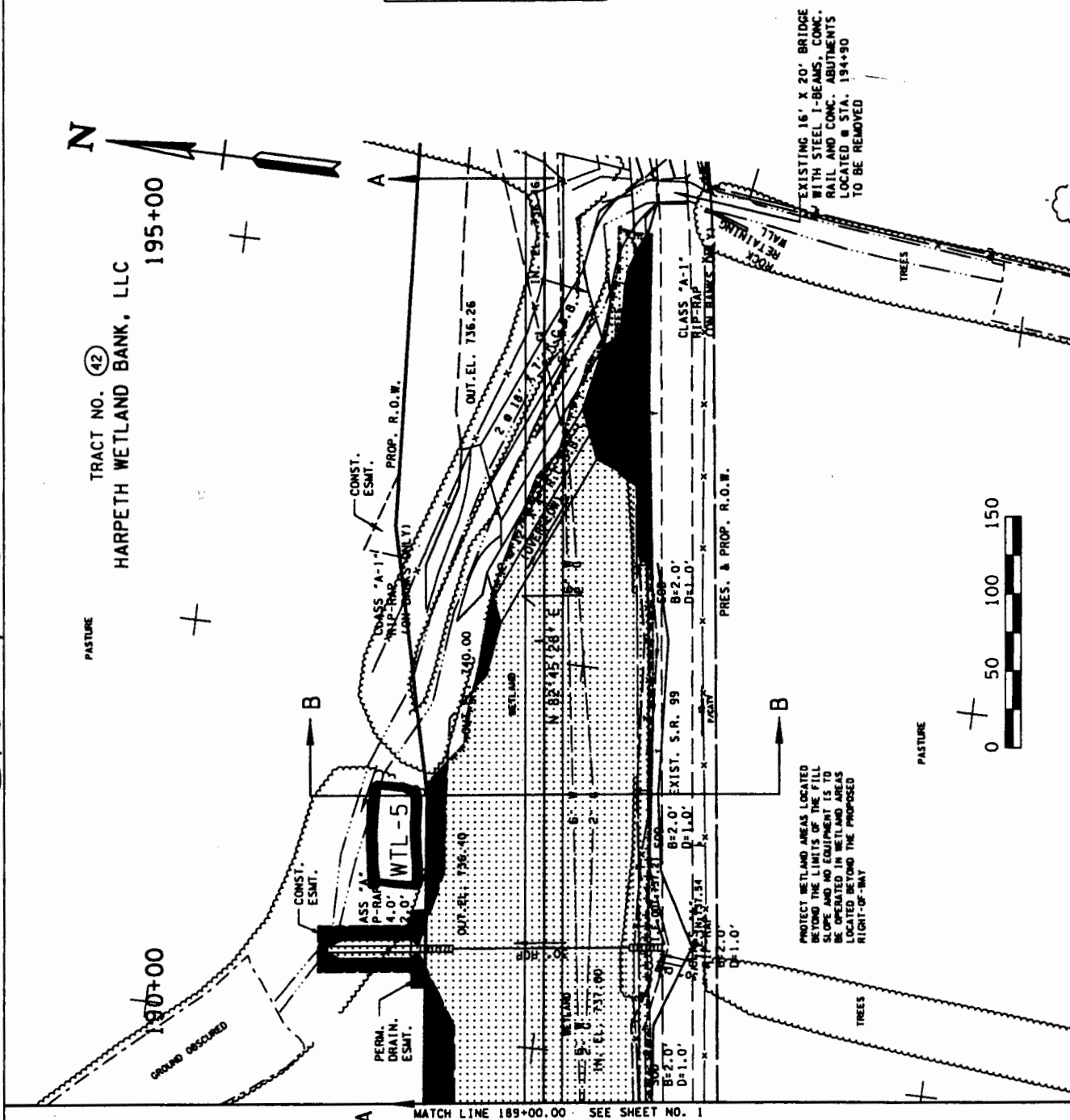
SHEET 1 OF 4

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PN 07-61

SITE WTL-5

## Permit Sketch



APPLICATION BY:

TENNESSEE DEPARTMENT OF TRANSPORTATION  
STATE PROJECT No. 75013-2235-04  
STATE ROUTE 99  
FROM: SR-16 (U.S. 41A) NEAR EAGLEVILLE  
TO: NEW CONSTRUCTION WEST OF  
S.R. 269 (CONCORD ROAD)

I 404 #2

DATE: 09/20/06

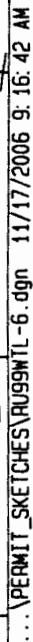
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SHEET 3 OF 4

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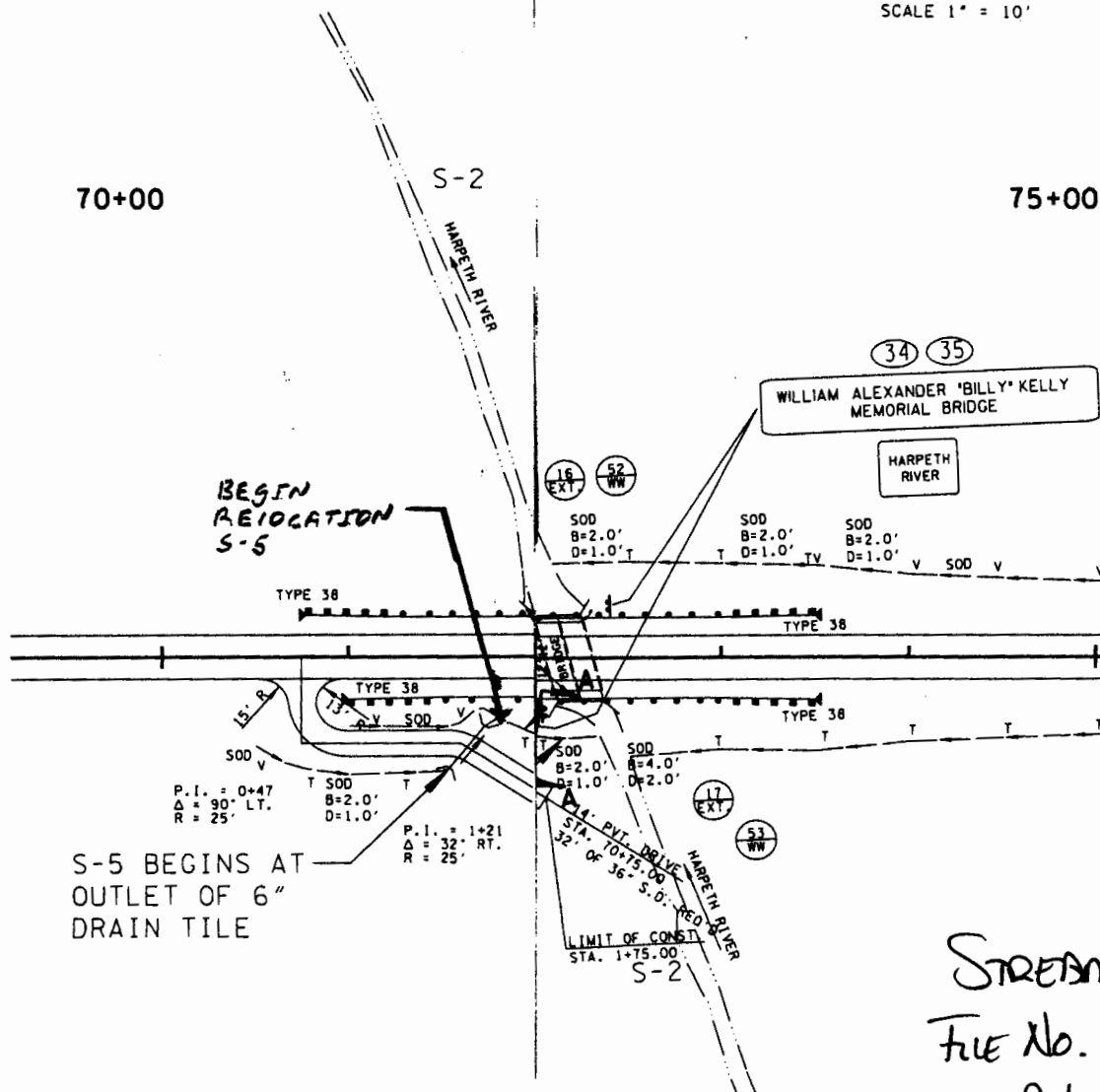
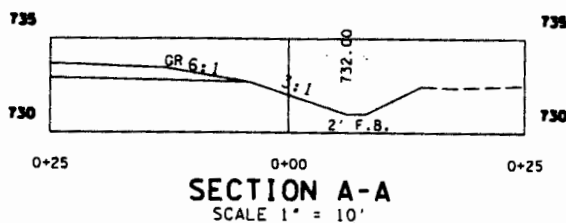
PN 07-61

SITE WTL-6



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# PERMIT SKETCH



PROPOSED  
LAYOUT

APPLICATION BY:  
TENNESSEE DEPARTMENT OF TRANSPORTATION  
PIN. 101461.00  
PROJECT NO. 75013-2235-04  
STATE ROUTE 99  
FROM: SR-16 NEAR EAGLEVILLE  
TO: NEW CONSTRUCTION WEST OF S.R. 269  
RUTHERFORD COUNTY

GARAP # R1  
IARAP # R1



DATE: 01/30/07

REVISED: / /

SHEET 2 OF 2

File No. 200400741  
 PN 07-61

Stream #7

GARP # R5<sup>FIELD</sup>  
 IARP # R3

# New Culvert Construction and Stream Relocation Unnamed tributary to Concord Creek (Stream S-7 / Site 5)

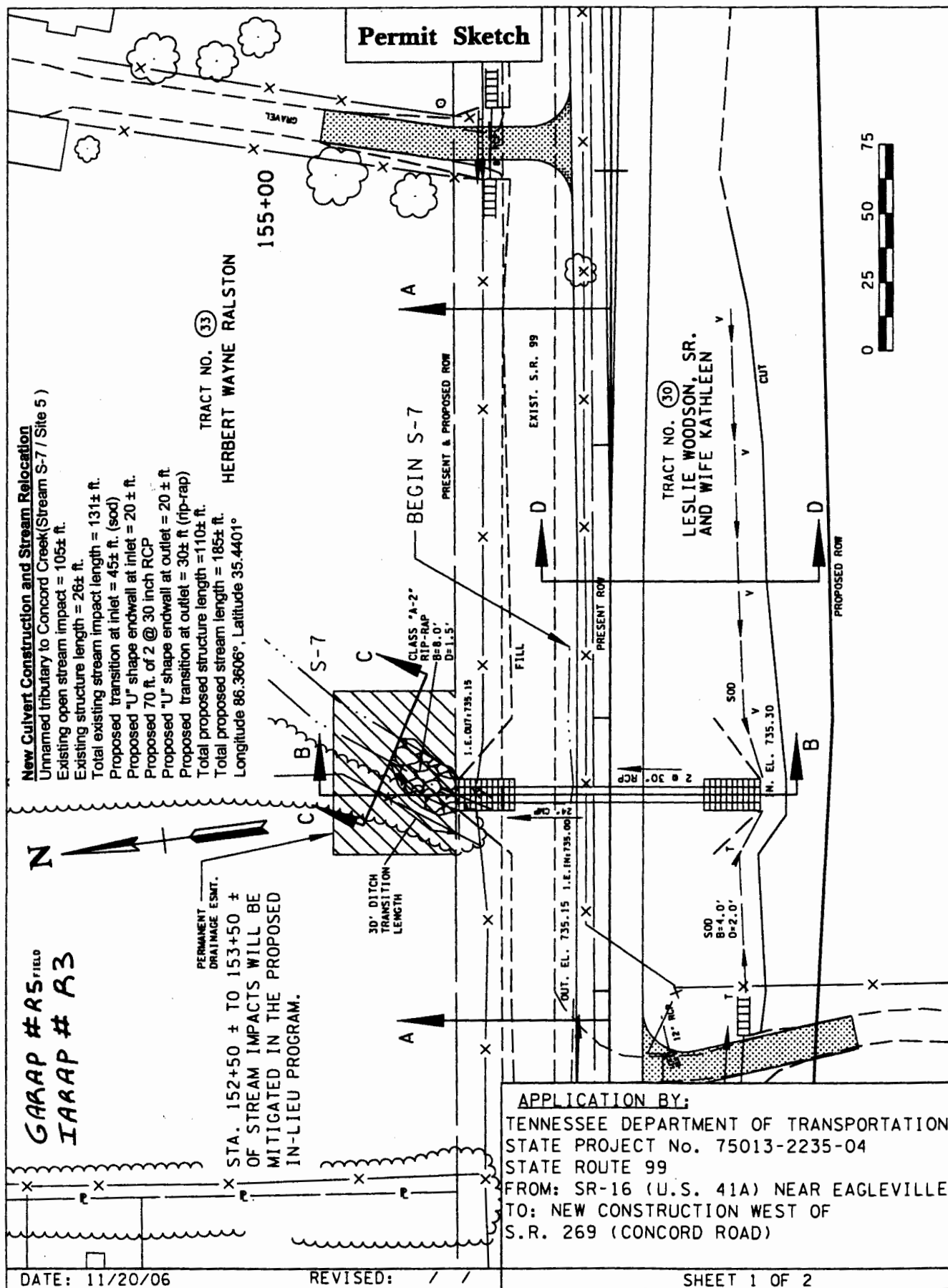
Existing open stream impact = 105± ft.  
 Existing structure length = 26± ft.  
 Total existing stream impact length = 131± ft.  
 Proposed "U" shape endwall at inlet = 20 ± ft.  
 Proposed 70 ft. of 2 @ 30 inch RCP  
 Proposed "U" shape endwall at outlet = 20 ± ft.  
 Proposed transition structure length = 110± ft.  
 Total proposed structure length = 185± ft.  
 Longitude 86.3606°, Latitude 35.4401°

TRACT NO. 33  
 HERBERT WAYNE RALSTON

PERMANENT  
 DRAINAGE ESMT.

STA. 152+50 ± TO 153+50 ±  
 OF STREAM IMPACTS WILL BE  
 MITIGATED IN THE PROPOSED  
 IN-LIEU PROGRAM.

## Permit Sketch



### APPLICATION BY:

TENNESSEE DEPARTMENT OF TRANSPORTATION  
 STATE PROJECT No. 75013-2235-04  
 STATE ROUTE 99  
 FROM: SR-16 (U.S. 41A) NEAR EAGLEVILLE  
 TO: NEW CONSTRUCTION WEST OF  
 S.R. 269 (CONCORD ROAD)

DATE: 11/20/06

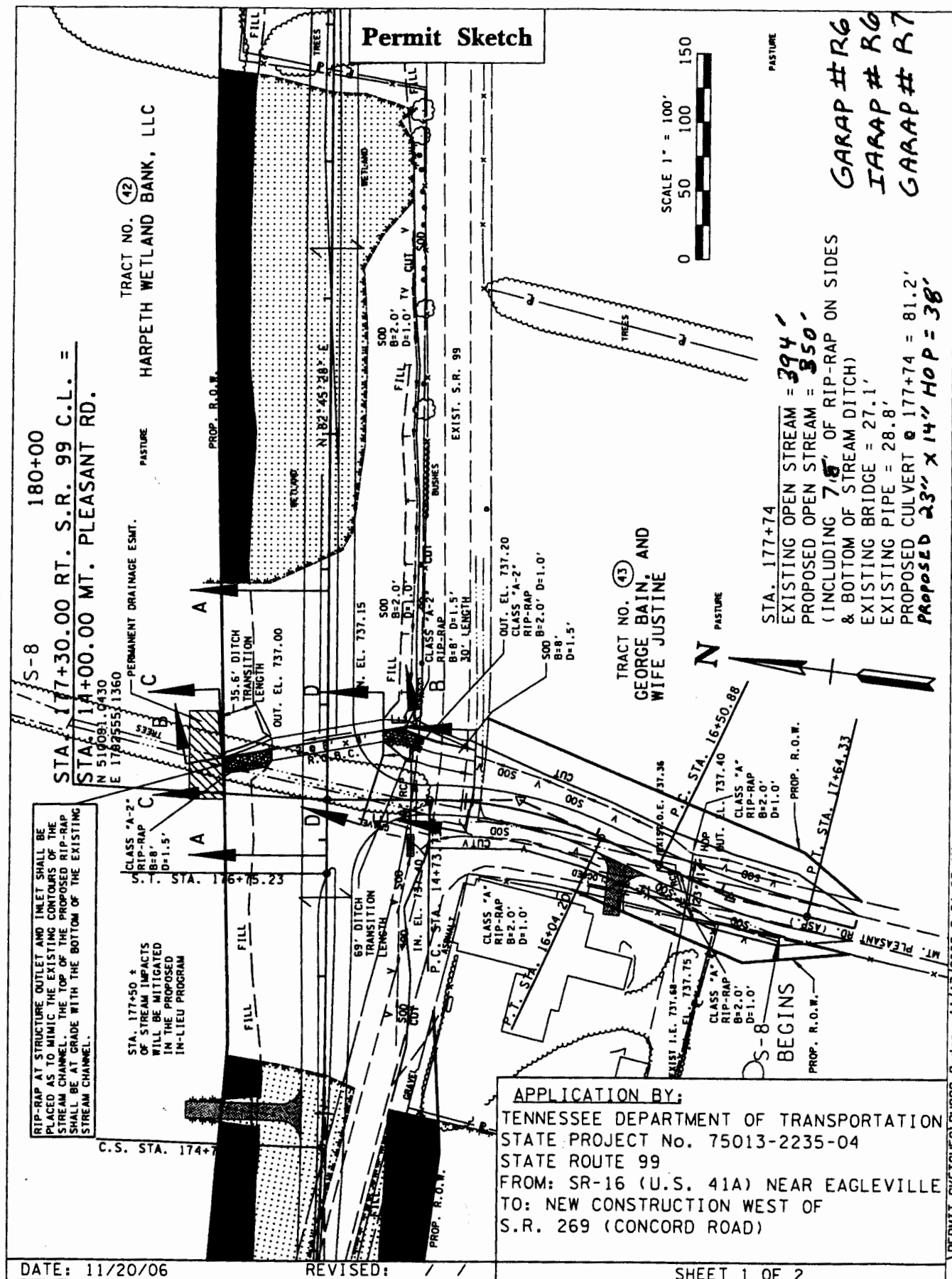
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SHEET 1 OF 2



PN 07-61

STREAM #8



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